

1 Honorable Karen L. Strombom  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA  
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12 TREVOR KELLY,  
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14 Plaintiff,  
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16 v.  
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18 CAROLYN COLVIN, Acting Commissioner  
19 of Social Security Administration,  
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21 Defendant.  
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23 No. 14-5297 RJB-KLS  
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26 ORDER TO SHOW CAUSE REGARDING  
27 FAILURE TO SERVE THE COMPLAINT IN  
28 A TIMELY MANNER  
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31 This matter comes before the Court on plaintiff's failure to serve the complaint in a  
32 timely manner. Federal Rule of Civil Procedure ("Fed. R. Civ. P.") 4(m) provides in relevant  
33 part that "[if] a defendant is not served within 120 days after the complaint is filed, the court – on  
34 motion or its own after notice to the plaintiff – must dismiss the action without prejudice against  
35 that defendant or order that service be made within specified time," unless "the plaintiff shows  
36 good cause for the failure," in which case "the court must extend the time for service for an  
37 appropriate period."

38 In the case of actions brought against a United States agency or a United States officer or  
39 employee in their official capacity, a copy of the summons and complaint must be served both on  
40 the United States itself and "by registered or certified mail" on the United States agency, officer  
41 or employee. Fed. R. Civ. P. 4(i)(2). "To serve the United States, a party must:  
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43 ORDER TO SHOW CAUSE - 1

- (A)(i) deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought – or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk – or
  - (ii) send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney's office;
- (B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.; and
- (C) if the action challenges an order of a non-party agency or officer of the United States, send a copy of each by registered or certified mail to the agency or officer.

Fed. R. Civ. P. 4(i)(1).

In this case, on April 15, 2014, the court entered an Order Granting Leave to Proceed in Forma Pauperis, the plaintiff's complaint was filed with the Court and copies of summons addressed to Carolyn W. Colvin, Acting Commissioner Social Security Administration, were issued. See ECF 4. To date, more than 120 days have passed since plaintiff filed his complaint with the Court. There is no indication, however, that proper service has been made on defendant, nor has plaintiff shown good cause for not properly serving defendant.

Accordingly, plaintiff hereby is **ORDERED** to effect proper service on defendant and submit evidence thereof to the Court by **no later than April 6, 2015**, or show cause why this matter should not be dismissed without prejudice pursuant to Fed. R. Civ. P. 4(m) for failure to prosecute.

DATED this 6<sup>th</sup> day of March, 2015.

Karen L. Strombom  
Karen L. Strombom  
United States Magistrate Judge

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